

Court of Appeals, State of Michigan

ORDER

People of MI v David Slaughter

Docket No. 276058

LC No. 06-007051

Kirsten Frank Kelly
Presiding Judge

Brian K. Zahra

Christopher M. Murray
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, the Court orders that the January 18, 2007, order of dismissal entered by the Wayne County Circuit Court is REVERSED. In this case, after defendant pleaded guilty and the court delayed sentencing for six months, the court dismissed the charge over the prosecutor's objection. Although the trial court cited no statutory authority or any justification for dismissing the charge, it is clear that none exists in this case. See *People Leonard*, 144 Mich App 492, 495-496; 375 NW2d 745 (1985); *People v Monday*, 70 Mich App 518, 521-522; 245 NW2d 811 (1976). Accordingly, the matter is REMANDED to the circuit court for reinstatement of defendant's guilty-plea conviction and sentencing.

The motion to file a late answer to the application is GRANTED.

~~This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.~~



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 17 2007

Date

Sandra Schultz Mengel
Chief Clerk